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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,530	01/17/2001	Robert Berliner	169-274	6423

167            7590            01/05/2004  
FULBRIGHT AND JAWORSKI L L P  
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865 SOUTH FIGUEROA STREET  
LOS ANGELES, CA 900172576

EXAMINER
HO, THOMAS Y

ART UNIT	PAPER NUMBER
	3677

DATE MAILED: 01/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/764,530	BERLINER, ROBERT
	Examiner Thomas Y Ho	Art Unit 3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 14 October 2003.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1,3-8,10,11 and 13-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,3-8,10,11 and 13-17 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ .
- 4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

Claims 1, 3-8, 10-11, and 13-17 are pending. Claims 2, 9, and 12 were cancelled in the Amendment filed 10/14/2003.

### *Claim Objections*

Claims 3 and 13 are objected to because of the following informalities: both claims 3 and 13 depend from cancelled claims. For purposes of examination, claim 3 will be treated as depending from claim 1 and claim 13 will be treated as depending from claim 11. Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

Claims 1, 3-7, 10-11, and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the crutchfield.com website retrieved from webarchive.org (hereinafter referred to only as Crutchfield) in view of Harwood US6058250, and further in view of the cited case law.

As to claim 1, Crutchfield discloses, a method of doing business on the world wide web, comprising: providing information on a web site about the repair (the section titled “How to Diagnose and Suppress Noise”) of various devices (the device is the heading “HOME THEATER & A/V” from Crutchfield on 19991106) wherein a user can click on displayed graphics (the hyper-text links “CD Recorders”, “CD Players”, etc. from Crutchfield on 19991106) representing a replaceable part of a device (the device is the Home Theater, and the replaceable part of the device is the CD Recorder), said graphics being in the form of a hyper-text link depicting the device and one or more parts thereof, wherein when clicking on a displayed part (CD Recorders), information about a part selected by the user is made available to

the user, said information comprising:(a) one or more manufacturers or other vendors of the part, and/or (b) one or more part numbers of the selected part (see Crutchfield from 19991128, wherein the manufacturer of a part is Philips, the vendor is Philips, and the part number is CDR765); and deriving revenue from making one or more of said items of information available by one or more of the following activities: (a) direct sale of one or more replacement parts to the user (the "Buy" link shows direct sale), (b) obtaining referral fees or commissions from a manufacturer or other vendor of the one or more of the parts, or (c) gathering consumer information from the user's activities on the web site. The difference between the claim and Crutchfield is the claim recites, a photograph or illustration of the replaceable part. Although Crutchfield discloses hypertext links, Applicant has amended claim 1 to remove the possibility of using text instead of graphics. Harwood discloses a transaction system similar to that of Crutchfield. In addition, Harwood further teaches the equivalence of hypertext links and pictures (col.7, ln.15-26). It would have been obvious to one of ordinary skill in the art, having the disclosures of Crutchfield and Harwood before him at the time the invention was made, to modify the hypertext links of Crutchfield to be pictures, as in Harwood, to obtain pictures of parts. One would have been motivated to make such a combination because inasmuch as the references disclose these elements as art recognized equivalents, it would have been obvious to one of ordinary skill in the exercise art to substitute one for the other. In re Fout, 675 F.2d 297, 301, 213 USPQ 532, 536 (CCPA 1982).

As to claim 3, Crutchfield discloses, wherein the information made available to the user is one or more manufacturers (Onkyo, Philips, Pioneer; see 19991106) or vendors of the part or parts.

As to claim 4, Crutchfield discloses, wherein the user can obtain information about the part (the CD Recorder is a part of the Home Theater) needing replacement by clicking one of the manufacturers or vendors (19991023).

As to claim 5, Crutchfield discloses, wherein the user is directed to a web site of the manufacturer or vendor (any of the links on 19991128 can be considered a web site of a manufacture or vendor, and so is the web site on 19990825).

As to claim 6, Crutchfield discloses, wherein the web site of the manufacturer or vendor is its site home page (19990825; Yamaha's home page is disclosed in the text).

As to claim 7, Crutchfield discloses, wherein the web site of the manufacturer or vendor is a site page on which information on the part is displayed (19990825; the Yamaha page shown is made for Crutchfield).

As to claim 10, Crutchfield discloses, wherein the user can purchase the part ("Buy" link from 19991106) needing replacement by clicking one of the manufacturers or vendors whereby the user is directed to an order page.

As to claim 11, Crutchfield discloses, an internet web site, comprising: a plurality of web site pages providing information about the repair of various devices wherein a user can click on displayed graphics (hyper-text links are graphics) representing a replaceable part (a CD Recorder is a replaceable part) of a device (a Home Theater is a device), said graphics being in the form of a hyper-text link depicting the device and one or more parts thereof, wherein when clicking on a displayed part, information about a part selected by the user is made available to the user, said information comprising:(a) one or more manufacturers or other vendors (Philips) of the selected part, and/or (b) one or more part numbers (CDR760) of the selected part; and clickable regions

(links) on one or more of the web site pages enabling revenue to be derived from making one or more of said items of information available by one or more of the following activities: (a) direct sale ("Buy" link from 19991106) of one or more replacement parts to the user, (b) obtaining referral fees or commissions from a manufacturer or other vendor of the one or more of the parts, or (c) gathering consumer information from the user's activities on the web site. Harwood discloses the equivalence and use of pictures in place of hypertext links.

As to claim 13, Crutchfield discloses, wherein the information made available to the user is a list of one or more manufacturers or vendors (Philips, Onkyo, Pioneer; 19991106) of the part (CD Recorder) or parts enabling the user to obtain information (19991128) about the part needing replacement by clicking one of the manufacturers or vendors.

As to claim 14, Crutchfield discloses, wherein the user is directed to a web site (every link shown is a web site, including Accessories in 19991128) of the manufacturer or vendor.

As to claim 15, Crutchfield discloses, wherein the web site of the manufacturer or vendor is its site home page (Yamaha; 19990825).

As to claim 16, Crutchfield discloses, wherein the web site of the manufacturer or vendor is a site page on which information on the part is displayed (19990825).

Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the crutchfield.com website retrieved from webarchive.org (hereinafter referred to only as Crutchfield) in view of Harwood US6058250, and further in view of cited case law, and further in view of Bezos US6029141.

As to claim 8, Crutchfield discloses, wherein the web site of the manufacturer or vendor is a site page specifically set up to receive referrals from another web site (the site page for

Yamaha is a page specifically set up by Yamaha to receive referrals from Crutchfield). The difference between the claim and Crutchfield is the claim recites, to compensate the owner of the referring web site. Bezos discloses an Internet merchant web site similar to that of Crutchfield. In addition, Bezos further teaches to compensate the owner of the referring website (col.2, ln.9-15). It would have been obvious to one of ordinary skill in the art, having the disclosures of Crutchfield and Bezos before him at the time the invention was made, to modify the method of Crutchfield to have compensation for referrals, as in Bezos, to obtain a site set up to receive referrals from another website, and the referring website is compensated. One would have been motivated to make such a combination because the ability to efficiently market and sell goods in cooperation with web sites would have been achieved, as taught by Bezos (col.1, ln.50-56).

As to claim 17, Crutchfield discloses, wherein the web site of the manufacturer or vendor is a site page specifically set up to receive referrals from another web site (the site page for Yamaha is a page specifically set up by Yamaha to receive referrals from Crutchfield). Bezos teaches to compensate the owner of the referring web site (col.2, ln.9-15).

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 3-8, 10-11, and 13-17 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues (pg.5) that the Crutchfield web site fails to show graphics or enable the selection of a part from a display of the device and the part. The Crutchfield web site (19991106063016) shows graphics (text and hyper-text links) displaying a device (home theater heading) and allowing selection of a part (CD Recorder hyper-text link) of the device. Furthermore, Harwood teaches the equivalence of hypertext links and picture links.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US6173210 to Bjornson discloses a method of selecting/purchasing a seal.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Y Ho whose telephone number is (703)305-4556. The examiner can normally be reached on M-F 10:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J Swann can be reached on (703)306-4115. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9326.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)306-1113.

TYH



J. J. SWANN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600